

## **REMARKS**

Applicants respectfully request reconsideration of the present application in view of the reasons that follow.

No claims are currently being amended.

Claims 1-18 and 20-33 remain pending in this application.

### **Drawings**

The drawings were objected to under 37 CFR 1.83(a). Specifically, the Office Action stated that all of the limitations of claims 2-16, 18, and 20-33 must be shown or the feature(s) cancelled from the claims(s). Applicants submit that no further drawings or drawing amendments are required in the present application.

For example, with respect to the method claims 2-13, 18-28, and 30-31, the steps recited therein are further definitions of the steps shown in the flow chart of Figure 1. Thus, these steps are shown in the drawings. The specific description of these steps is also fully supported by the specification.

With respect to claims 16, 29, 32 and 33, these claims are directed to an embodiment of the invention directed to a system with components that implement the steps of Figure 1, as these steps are further defined. The specific description of these implemented steps is also fully supported by the specification.

While applicants do not believe that an additional figure is required for claims 16, 29, 32 and 33, applicants attach herewith an example Figure 2 with components that implement the steps shown in Figure 1 for the Examiner's review. If the Examiner still believes that a new figure is required, applicants will submit Figure 2 as an amended new figure.

Moreover, applicants note that 35 U.S.C. 113 requires a drawing only "where necessary for the understanding of the subject matter to be patented." In the present case, an understanding of the subject matter to be patented, as embodied in the claims, is clear from Figure 1 in its current form along with the specification. Thus, no further drawings, or drawing amendments are required.

Still further, applicants submit that there is no requirement that the exact wording of the claims be reproduced in the figures, as long as the invention as claimed can be understood from the disclosure. It is well known in U.S. patent practice, such as in the chemical arts for example, that many claimed inventions require no drawings whatsoever. In the present case, no further drawing or drawing amendments are required to understand the invention. To require that “all of the limitations” of claims 2-16, 18, and 20-33 be expressly shown in detail in the drawing would amount to an unnecessary and burdensome requirement that much of the text of the specification be transposed to the drawings. Such an amendment is not necessary for the present application, where the claims can be well understood without.

For at least the above reasons, applicants request that the objection to the drawings be withdrawn.

#### **Rejections under 35 U.S.C. §§ 102 and 103**

Claims 1-17 and 20-22 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication #2002/0107832 A1 to Shimizu et al. (hereafter “Shimizu”). Claims 23-26 and 28-33 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,478,679 to Himoto et al. (hereafter “Himoto”). Claim 18 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Shimizu and U.S. Patent No. 5,532,689 to Bueno (hereafter “Bueno”). Claim 27 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Shimizu and U.S. Patent No. 6,587,140 to No (hereafter “No”). Applicants respectfully traverse these rejections for at least the following reasons.

The claims all require steps or components for performing steps regarding information or event descriptors about usage of a memory card. Applicants maintain (and have maintained throughout the prosecution of the present application) that the Office Actions’ interpretation of information about usage of a memory card (or event descriptors about usage of a memory card) in the claims is not a reasonable interpretation of the claims. It is black letter patent law that claims under examination must be interpreted reasonably. As discussed in the Amendment filed on May 10, 2004, the interpretation by the Patent Office is neither consistent with the plain language of the claims, the specification or the file history of the present application. If the claims are reasonably interpreted the above rejections must fail.

As noted in earlier Amendments during prosecution of the present application, neither of the primary references of Shimizu and Himoto can be reasonably interpreted as performing

the steps recited in the claims regarding usage of a memory card, and the secondary references of Bueno and No fail to cure the deficiencies of Shimizu and Himoto.

With respect to Shimizu, as noted in the prior two Amendments, Shimizu at best discloses storing a record of information concerning the use of rented DVDs, or the number of times a website has been accessed. This information is simply not about the usage of a memory card.

With respect to Himoto, and as also noted in the prior two Amendments, the information displayed on the LCD 14 of Himoto (such as the game number and game scores), whether stored in the memory card 10 or not, cannot reasonably be interpreted as usage of the memory card.

Moreover, with respect to claims 30 and 32, these claims require that the information about usage of the memory card comprises at least one of a measurement of how full the memory card is and the number of times data was corrected by the memory card. The Office Action alleges that Figures 5A-5E, 6A-6C and col. 10, lines 64-67 of Himoto disclose this feature. Applicants respectfully disagree. Figures 5A-5E and 6A-6C illustrate the address region in which a program is stored. Himoto, however, does not disclose that a measurement of how full the memory is is recorded in a memory card. Applicants submit that merely because a program is stored in memory between certain addresses of a memory card, that stored program is not a measurement of how full the memory card is. Such an interpretation of claims 30 and 32 is not a reasonable one.

In the Response to Arguments section of the Office Action, the Office action cites to paragraphs 59 and 61 of Shimizu as disclosing information about usage of the memory card. Applicants respectfully disagree. While paragraphs 59 and 61 disclose “use conditions” and “use condition information”, this use condition information does not refer to the use of a memory card. Instead the use condition information refers to use of rented DVDs, and includes period of rent, number of times reproduction is possible, and whether or not copying is allowed (see Shimizu, paragraph 61).

In the Response to Arguments section of the Office Action, the Office Action also states with respect to the Himoto figures 5A-E and 6A-C and the limitation of a measurement of how full a memory card is (in claims 30 and 32) that the “examiner has

interpreted the display of the figures to be a qualitative measurement, as the user can see about how much of the memory is full.” Applicants submit that Figures 5A-5E, 6A-6C fail to disclose recording information about usage of a memory card where the information about usage of a memory card comprises a measurement of how full a memory card is as recited in claims 30 and 32. Figures 5A-E and 6A-C of Himoto do not disclose this feature, either qualitatively or quantitatively.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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